

REMARKS

Claims 15-29 are pending in the present application. Claims 15-18, 23 and 29 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent Publication No. 2002/0020800 to Knebel et al. ("Knebel"). Claims 15-23 and 29 were rejected under 35 U.S.C. 103(a) based on Knebel in view of U.S. Patent Publication No. 2002/0043622 to Birk (Birk '622). Claim 24 and 25 were rejected under 35 U.S.C. § 103(a) based on Knebel and Birk ('622) in view of U.S. Patent Publication No. 2002/0028044 to Birk (Birk '044). Claims 26-28 were rejected under U.S.C. § 103(a) based on Knebel in view of U.S. Patent No. 6,525,812 to Hartmann et al. ("Hartmann").

Applicants believe that the pending application is in condition for allowance. Please reconsider the application based on the following remarks.

Information Disclosure Statement

An Information Disclosure Statement is submitted herewith for the Examiner's consideration.

Rejection Under 35 U.S.C. § 102

Claims 15-18, 23 and 29 were rejected under 35 U.S.C. § 102(b) based on U.S. Patent Publication No. 2002/0020800 to Knebel et al. ("Knebel").

Knebel describes a device with two first light sources 3, 4 used to illuminate an object and a second light source 8 used to manipulate the object. See Knebel paragraph [0054]. The illumination and manipulation light may be input with a spectrally selective device including an acousto-optical filter or beam splitter. See Knebel paragraph [0032].

Independent claim 15 of the present invention recites "an acousto-optical element configured to spatially split a sub-light beam from the illuminating light beam" and "a beam guiding device configured to direct the sub-light beam onto the sample." It is respectfully submitted that Knebel does not disclose this feature. In fact, the Office Action admits that "Knebel does not teach a beam

guiding device configured to direct the sub-light beam onto the sample.” See Detailed Action, page 4, lines 4-5. Because Knebel fails to teach the above-recited feature of claim 15, it cannot anticipate claim 15 or any of its dependent claims 16-18, 23 and 29.

Reconsideration and withdrawal of the rejection of claims 15-18, 23 and 29 under 35 U.S.C. § 102(b) based on Knebel is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 15-23 and 29 were rejected under 35 U.S.C 103(a) based on Knebel in view of U.S. Patent Publication No. 2002/0043622 to Birk (Birk ‘622). Claim 24 and 25 were rejected under 35 U.S.C. § 103(a) based on Knebel and Birk (‘622) in view of U.S. Patent Publication No. 2002/0028044 to Birk (Birk ‘044). Claims 26-28 were rejected under U.S.C. § 103(a) based on Knebel and Birk ‘622 in view of U.S. Patent No. 6,525,812 to Hartmann et al. (“Hartmann”).

Birk ‘622 describes an optical waveguide element 3 for transporting light from a laser 1 to an objective 12, which focuses the light onto a sample 13. See Birk ‘622, Abstract.

Birk ‘044 describes an instrument for microscopy and the use of a $\lambda/2$ plate to rotate the polarization plane. See Birk ‘044, paragraph [0039]

Hartmann describes an optical arrangement with a spectrally selective element 2 and an optical component 8 that makes light beams emerging from the spectrally selective element 2 as parallel as possible. See Hartmann, column 6, lines 11-26.

As set forth above, independent claim 15 of the present invention recites “an acousto-optical element configured to spatially split a sub-light beam from the illuminating light beam” and “a beam guiding device configured to direct the sub-light beam onto the sample.” It is respectfully submitted that none of the cited references teach or suggest these features. In contrast, Knebel does not disclose an acousto-optical element configured to split from an illuminating light beam a sub-light beam that is directable on to a sample, as recited in claim 15. Knebel merely describes inputting light into a beam path using an acousto-optical device. See Knebel, paragraph [0032]. Further, as set forth above and admitted in the Office Action, Knebel does not teach a beam guiding device configured to direct a sub-light beam onto a sample. None of the other references cure the deficiencies of Knebel with respect to claim 15, as none of the references teach or suggest an

acousto-optical element configured to split a sub-light beam from an illuminating light beam or a beam guiding device configured to direct the sub-light beam onto a sample. Birk '622 merely describes an optical waveguide element 3 for transporting light from a laser 1 to an objective 12 (see Birk '622, Abstract); Birk '044 merely describes the use of a $\lambda/2$ plate to rotate the polarization plane (see Birk '044, paragraph [0039]); and Hartmann merely describes an optical component 8 that makes light beams emerging from a spectrally selective element 2 as parallel as possible (see Hartmann, column 6, lines 11-26). Moreover, there would have been no reason, in view of the cited references, for a person of ordinary skill in the art to configure an acousto-optical element to spatially split a sub-light beam from an illuminating light beam or to configure a beam guiding device to direct the sub-light beam onto a sample. For the foregoing reasons, it is respectfully submitted that any combination of Knebel, Birk '622, Birk '044 and Hartmann, to the extent proper, could not render claim 15 or its dependent claims 16-29 obvious.

Reconsideration and withdrawal of the rejections of claims 15-23 and 29 under 35 U.S.C. 103(a) based on Knebel in view Birk '622, claims 24 and 25 under 35 U.S.C. § 103(a) based on Knebel and Birk '622 in view of Birk '044, and claims 26-28 under U.S.C. § 103(a) based on Knebel and Birk '622 in view Hartmann, is respectfully requested.

In view of the above amendment, applicants believe the pending application is in condition for allowance.

Respectfully submitted,

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